

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FN 2010-050341

06/27/2011

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT

C. Vigil

Deputy

IN RE THE MATTER OF  
ELIZABETH GATSEOS BUCKINGHAM

CARLIE OWSLEY WALKER

AND

WILLIAM BRENT BURNS

ANGELA M WILSON-GOODMAN

DOCKET - NE  
FAMILY COURT SERVICES-CCC

MINUTE ENTRY

A Motion for Reconsideration was filed on behalf of Respondent William Brent Burns on June 15, 2011. On the same date, a Notice of Appeal was also filed on Mr. Burns' behalf.

The filing of a "notice of appeal before the trial court ha[s] a chance to rule on the motion for reconsideration" divests the court of jurisdiction to rule on the motion. *E.g., City of Phoenix v. Leroy's Liquors, Inc.*, 177 Ariz. 375, 381, 868 P.2d 958, 964 (App. 1993). Thus, as a matter of law, the Court is precluded from taking any action, corrective or otherwise, with respect to the motion for reconsideration, even when, as here, such a motion raises arguments for the first time.

Further, the motion is untimely. Although Ariz. R. Fam. L. P. allows 30 days for the filing of motions for reconsideration, that rule applies only to rulings regarding motions. When, as here, the Court has entered a signed judgment or final appealable order, a motion for reconsideration must comply with Ariz. Rs. Fam. L. P. 83 or 84. *Cf. Shapiro ex rel. Shapiro v. Paradise Valley Unified School Dist. No. 69*, 374 F.3d 857, 863 (9th Cir. 2004); *Demasse v. ITT Corp.*, 915 F. Supp. 1040, 1048 (D. Ariz. 1995). Among other things, that means that such a motion must be filed not later than 15 days after entry of the judgment or order that is the subject

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of the motion. And, it is well-settled law that the time limit for such a motion must be “strictly followed.” *See Harold Laz Adv. Co. v. Dumes*, 2 Ariz. App. 236, 237, 407 P.2d 777, 778 (1966).

With respect to Petitioner’s Application for Attorney’s Fees and Costs, it is granted.

**IT IS ORDERED** granting judgment in favor of Petitioner Elizabeth Gatseos Buckingham and against William Brent Burns in the amount of \$8,000.00, which includes the \$5,000.00 previously awarded. A.R.S. §25-324. Interest accrues at the legal rate (10 percent annually, not compounded) on the initial award beginning May 17, 2011, and on the additional \$3,000.00 beginning on the date after the entry of this judgment.

IT IS FURTHER ORDERED signing this minute entry as a formal Order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / HONORABLE DOUGLAS GERLACH

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JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.